INTELLECTUAL PROPERTY RIGHTS IN INDIA: CHALLENGES FOR E-CONTENT.

A SYNOPSIS OF THE THESIS

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DECLARATION

I hereby declare that the synopsis entitled “INTELLECTUAL PROPERTY RIGHTS IN INDIA: CHALLENGES FOR E- CONTENT.” to be submitted for the Degree of Doctor of Philosophy is my original work and the synopsis has not formed the basis for the award of any degree, diploma, associate ship or fellowship of similar other titles. It has not been submitted to any other University or Institution for the award of any degree or diploma.

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1. INTELLECTUAL PROPERTY RIGHTS IN INDIA: CHALLENGES FOR E-CONTENT.

INTRODUCTION:

Due to the development of information technology and the transmission of intellectual property e-content on the Internet, the protection interface of intellectual property e-content law faces new issues. This research will identify the areas in which the Indian military must be strengthened.

The primary objective of the preservation of intellectual property e-content rights in e- content analysis would be to emphasize the need for expanded legal protection. The current system does not adequately safeguard Intellectual property e-content rights in electronic format. Moreover, in the current age of ization, information, and technology, the field of Intellectual property e- content rights in cyberspace lacks uncharted territory. The Indian legal system has fallen behind international advances in the subject, notably with regard to the protection of Intellectual property e- content rights of Indians at the international level. Since Europe, the United States, and Japan have nearly identical protection mechanisms in the field of Intellectual property e-content rights in form, it is crucial for Indian laws to outline provisions for granting protection to digitized versions of Intellectual property e-content rights and to be compatible with the standards of the developed world in order to carve out a niche for Indian intelligence in international forums. In the meanwhile, the Information and Communications Revolution has swept the globe, shattering economic and political barriers and threatening the industrialized world's established rules. Most developing nations must make a quantum leap in lawmaking in order to gain the capacity to safeguard national interests and prevent exploitation by those who hold technologies whose limitations are unknown. The development of the Internet Information Superhighway and Cyberspace has created this predicament for the globe.

Furthermore, electronic media is rapidly increasing prominence due to its numerous uses and advantages. It provides the foundation for enlarged company possibilities today. It is in the realm of study that innovative commercials, content, models, and works of literature take form. With the development of information and communication technology, the Internet is gaining popularity due to its superiority over all previous mass communication tools influencing people's lives. The notion of Intellectual property e- content has a broader applicability in electronic media since a significant portion of it involves the application of an individual's

intellectual skills. The adverts put on websites and distributed through electronic media are the producers' intellectual property. The contents, designs, color combinations, punch lines, photos, font styles, etc., are some of the marketers' creative efforts utilized to promote their businesses. The website itself, however, is an intellectual property. The software used to operate a computer and other programs is also considered intellectual property.

India's legal system is insufficiently developed to cope with concerns pertaining to electronic copyrights, domain name protection, 'e' patents, and 'e' trademarks. Existing Indian law is likewise incapable of providing remedies for violations of electronic property rights. Despite the Information Technology Act of 2000's efforts to give protection to property owners and defend their rights via rules pertaining to signatures, it is insufficient to cope with issues involving the exploitation of Intellectual property e- content on the internet. Moreover, the present Intellectual property e- content legislation in India is insufficient to cope with electronic property, which is exploited illegally from all corners of the globe, beyond the territorial jurisdiction of the law. Numerous wealthy nations, including the United States and Japan, have enacted legislation to safeguard Intellectual property e- content in virtual form. India must enact legislation to address several concerns pertaining to electronic or property, domain names, and other relevant matters.

Therefore, an effort has been made to track the evolution of intellectual property e- content protection legislation, how it moved to the world, and the resulting consequences. In addition, an attempt has been made to synchronize worldwide efforts to preserve intellectual property e-content rights in the age. It emphasizes the necessity for Intellectual property e- content protection regulations in India in electronic format.

2. LITERATURE REVIEW

The study was undertaken by researching, analyzing, evaluating, and critically assessing the papers, books, recent amendments, international conventions, and JSTOR contributions by famous jurists in order to conduct research on the issue listed above. In addition, court decisions from India, the United States, the United Kingdom, Japan, Australia, and the European Union have been analyzed to establish a regulatory framework for the Indian context. In particular, the Indian Journal of Intellectual property e- content law, the International Journal of Law and Technology, and the International Journal of Communications Technology might be cited , references may be made to Indian Journal of Intellectual property e- content law, International Journal of Law and Technology, and International Journal of Communications Technology.

3. OBJECTIVE (S) /NEED OF STUDY

The primary objective of the preservation of Intellectual property rights in e- content analysis would be to emphasize the need for expanded legal protection. The existing system doesn't protect electronic IP rights. In this era of digitization, information, and technology, Intellectual property e-content rights in cyberspace are unexplored. The Indian legal system has fallen behind international advances in the subject, notably with regard to the protection of Intellectual property e- content rights of Indians at the international level. Since Europe, the U.S., and Japan have nearly identical protection mechanisms for intellectual property e- content rights, Indian laws must outline provisions for granting protection to digitized versions of Intellectual property e- content rights and be compatible with developed world standards to carve out a niche for Indian intelligence in international forums.

4. THE RESEARCH HYPOTHESIS

To evaluate the strengthening of Intellectual property e- content protection in technological circumventions, we need a nuanced view of legal protection that transcends traditional academic bounds and reductionism. According to the definition, a reality without wants is neither alive nor capable of being improved in any manner. As a result, the hypothesis posits that attention to changing parlance and technical legal demands is urgently necessary so that we do not become victims of neocolonialism in the analogy of research and development by large corporations as assignees of the Intellectual property e- content rights. The current legislation in India regarding the protection of Intellectual property e-content Rights is

insufficient for the protection of intellectual property rights in E-content.

5. RESEARCH DESIGN& METHODOLOGY

This research is both descriptive and analytical in nature. The subsequent doctrinal study has articulated the systematization and interpretation of the procedural and substantive aspects of the legislation governing Intellectual property e- content, fundamentally, research is the exploration of something new, and anything new is direct experience. Doctrinal research conducted by organizing, categorizing, and analyzing the legal structure, legal framework, and case laws in order to discover the new item by conducting an exhaustive study of legal literature. To handle the legal problem with a fresh output, the legal doctrine, legal framework, and case laws were rationally, scientifically, and carefully evaluated and analyzed. Acts, books, debates, earlier judicial decisions, law magazines, international conventions for the protection of intellectual property, World Intellectual property rights e- content in Organization documents, and multilateral treaties and covenants to which India is a party. In addition, obtaining information from newspapers, linked writings, articles, as well as electronic media and the Internet.

(i) The "information demand" determines how to receive the required information. The database provides Case laws on a specific problem, Legislative intent of any act, and Legislative history of a certain enactment. Foreign laws matching Indian laws. Online and CD-ROM legal databases were also helpful for finding relevant case law. Law journal articles are vital sources of information. West law international, scc online, and manupatra online are utilized to find legal journal articles.

(ii) Research Concerns

(iii) This study will attempt to compare logical answers for the following research questions: To what extent is it feasible to extend legal protection for e- content rights in the current information environment?

(iv) Would Indian Laws be flexible enough to preserve the delicate equilibrium between Intellectual property e-content protection and public interest?

(v) How far can the Intellectual property e-content and Information Technology conundrum be resolved?

(vi) What feasible efforts may be made to guarantee international consistency in the protection of Intellectual property e-content rights?

(vii) How far can global innovations in Standard Essential Patents be accommodated within the Indian legal framework?

(viii) To what degree may internet service providers and intermediaries be held liable for Intellectual property e- content in fringements in cyberspace?

(ix) What effect does the present network neutrality controversy have on the protection of Intellectual property e- content rights on the Internet?

(x) Can we rely on judicial interpretations to protect consumers and producers without effective e-trademark legal protection?

The most recent theological research did not underline the earlier problems. Intex, Micromax, and Ericsson are three companies that have gone to court. The Supreme Court ruled on domain names as trademarks 11 years ago. After 10 years of compliance, or 2005, the impact of TRIPs on developing countries and their compliance must be examined. In today's quickly expanding technology, there are few researchable subjects, especially when the offender is oblivious of his online transgressions. When an attempt lacks a physical location, guilt is difficult to determine. Moreover, the idea of fluid information and its legal constraints have just lately been addressed. Network neutrality is also about treating all ISP traffic equally. Without such oversight, ISPs might limit the connection to disapproved websites or material. This demands examination in the contemporary Indian environment, which hasn't been addressed in recent years since it's a recent offshoot of law and technology.

CHALLENGES OF THE STUDY

This research will pave the ground for the formalization of the need to upgrade the current Indian legal system protecting intellectual property e- content rights. Since there are no particular provisions in the present Indian legislation regarding the protection of electronic versions of intellectual property e- content rights, it opens the door to the possibility of investigating the legal protection of electronic forms of intellectual property e- content rights. Therefore, the purpose of the current research is to support the necessity to remedy the gap in legal protection caused by technology advances. In addition, the research will pave the way for others to thrive in this sector, since it would be the most significant component to be addressed in the field of Intellectual property Rights and E-content.

TENTATIVE CHAPTERISATIONPLAN

For the purpose of study, the thesis hereinafter has been divided in following chapters:

Chapter One: Introduction of E-content.

Primarily focuses on the study goals, selected research technique, and introduction to the thesis

Chapter Two: E-content Concept and Developments.

This chapter liberates the philosophical and historical reasons for e- content Rights.

Chapter Three: An Analysis of International Intellectual property e- content Rights Agreements and E-content.

To support the core study purpose, a variety of international agreements have been analyzed.

Chapter Four: Efforts Made by India to Intellectual property e- content Rights

On the basis of court interpretations, the substantive and procedural aspects of Indian Intellectual property e- content laws relevant to the protection of intellectual property e- content rights have been analyzed.

Chapter Five: Rights to Intellectual property e- content in E- content.

The advent of the Internet, ization, and movement of IP rights into cyberspace have been addressed.

Chapter Six: Difficulties in Protecting Intellectual property e- content Rights in E- content.

This chapter considers the issues presented by information technology in the realm of Intellectual property e- content rights on the Internet.

Chapter Seven: Mechanism for Combating Violations of Intellectual property e- content Rights in Electronic Format

Other nations' techniques for preventing intellectual property e- content infringement are compared to India's.

Chapter Eight: Conclusion and Suggestions

The chapter outlines the conclusion on the modification of Indian Intellectual property e- content laws, along with proposals and a recommended framework.

Analysis and description. The subsequent doctrinal study systematized and explained e-content procedure and substance. New research is firsthand experience. Doctrinal research entails organizing,

categorizing, and examining the law to discover anything new. Legal theory, structure, and case laws were logically, scientifically, and thoroughly studied and analyzed to solve the legal challenge. Bare Acts, Books, Debates, Earlier Judicial Decisions, Law Magazines, IP Conventions, WIPO Documents, Multilateral Treaties and Covenants to which India is a Party. This study compares logical solutions to research questions. How far can e-content rights be safeguarded electronically? Analysis and description. Following doctrinal study systematized and interpreted IP law. New research is firsthand experience. Doctrinal research entails organizing, categorizing, and examining the law to discover anything new. Legal theory, structure, and case laws were logically, scientifically, and thoroughly studied and analyzed to solve the legal challenge. Bare Acts, Books, Debates, Earlier Judicial Decisions, Law Magazines, IP Conventions, WIPO Documents, Multilateral Treaties and Covenants to which India is a Party. This study compares logical solutions to research questions. How well are e-content rights safeguarded in the present information environment?

1. Would Indian Laws be flexible enough to preserve the delicate equilibrium between Intellectual property e- content protection and public interest?
2. How far can the Intellectual property e- content and Information Technology conundrum be resolved?
3. What feasible efforts may be made to guarantee international consistency in the protection of Intellectual property e- content rights?
4. How far can global innovations in Standard Essential Patents be accommodated within the Indian legal framework?
5. To what degree may internet service providers and intermediaries be held liable for Intellectual property e- content infringements in cyberspace?
6. What effect does the present network neutrality controversy have on the protection of Intellectual property e- content rights on the Internet?
7. In the lack of proper legal protection in the field of e-trademarks, can we depend only on court interpretations to safeguard the interests of consumers and manufacturers?

Newspapers, connected publications, articles, the Internet, and electronic media are sources.

The "information demand" determines how to receive the required information. The database provides Case laws on a specific problem, Legislative intent of any act, and Legislative history

of a certain enactment. Foreign laws matching Indian laws. Online and CD-ROM legal databases were also helpful for finding relevant case law. Law journal articles on any topic are crucial informational resources that may be found in journals, legal databases, and article indexes. West law international, SCC Online, and Manupatra are online.

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